

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

WILLIAM D. BUMGARNER,

Plaintiff,

v.

CIVIL ACTION NO. 2:04-0720

JOANNE BARNHART,
Commissioner of Social Security,

Defendant.

ORDER

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's motion for summary judgment be denied, that Defendant's motion for judgment on the pleadings be granted, that the decision of the Commissioner be affirmed and that this matter be dismissed from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's motion for summary judgment, **GRANTS** Defendant's motion for judgment on the pleadings, **AFFIRMS** the decision of the Commissioner and **DISMISSES** this matter from the docket of this Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge

Stanley, counsel of record, and any unrepresented parties.

ENTER: May 25, 2005

A handwritten signature in black ink, appearing to read 'R. C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE